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Attorneys for Defendant Gabriel Medina-Morales

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	CASE NO: CR 09-00425-01 RMW
Plaintiff,)	STIPULATION FOR JOINT REQUEST
vs.)	TO CONTINUE HEARING TO
GABRIEL MEDINA-MORALES,)	FEBRUARY 28, 2011 & PROPOSED
Defendant.)	<u>ORDER RE SAME.</u>

The parties, Plaintiff United States of America and Defendant Gabriel Medina-Morales, hereby stipulate to request that the Court continue the sentencing hearing in this case from December 13, 2010 to February 28, 2011, at 9:00 a.m., before the Honorable Ronald M. Whyte, Judge of the United States District Court for the Northern District of California. Federal Probation Officer Aylin Raya is available on that date.

Previously, Defendant requested (and obtained) an earlier continuance, by stipulation, from October to the present date of December 13, 2010. Since that time, Defendant's counsel has retained a forensic psychiatrist who interviewed and examined Mr. Medina-Morales. After his initial work, the expert advised Defendant's counsel that he needs to review certain specific psychiatric records from the Immigration facility in Arizona, before he can complete his analysis. Defense counsel has been trying to obtain said records, but the

1 records are not yet available. Defendant contends that the forensic expert's medical opinion
2 is important and necessary to explain his motive and compulsion to return to the United
3 States after deportation. Defendant further contends that this information will form the basis
4 for his argument for a sentence below the Sentencing Guideline range. For these reasons,
5 Defendant Gabriel Medina-Morales respectfully requests that the Court grant the extension
6 of time by continuing the sentencing hearing to February 28, 2011 at 9:00 a.m.

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9 DATED: December 7, 2010

/S/

JERRY Y. FONG, Attorney for
Defendant GABRIEL MEDINA-MORALES

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15 DATED: December 7, 2010

/S/

DAVID PAXTON, AUSA for
Plaintiff UNITED STATES OF AMERICA

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18 □ ORDER

19 Pursuant to the parties' stipulation and good cause appearing herein, it is hereby
20 ordered that the sentencing hearing for this case shall be continued from December 13, 2010
21 to February 28, 2011, at 9:00 a.m. It is so ordered.

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25 DATED: 12/10/10

Ronald M. Whyte

JUDGE OF THE UNITED STATES
DISTRICT COURT